

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------------------|---|--------------------------|
| JOHN LIPTOK, | : | Civil No. 1:21-CV-1475 |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| SUPERINTENDENT MASON, <i>et al.</i> , | : | |
| | : | |
| Defendants. | : | Judge Jennifer P. Wilson |

ORDER

AND NOW, this 20th day of January, 2022, for the reasons set forth in the accompanying memorandum, **IT IS ORDERED THAT:**

1. Plaintiff's application for leave to proceed *in forma pauperis*, Doc. 4, is **GRANTED**.
2. Plaintiff shall pay the full filing fee of \$350.00, based on the financial information provided in the application to proceed in forma pauperis. The full filing fee shall be paid regardless of the outcome of the litigation.
3. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Plaintiff's place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of:
 - (A) the average monthly deposits in the inmate's prison account for the past six months, or
 - (B) the average monthly balance in the inmate's prison account for the past six months.

4. The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in the Plaintiff's inmate prison account exceeds \$10.00, the Superintendent / Warden, or other proper official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's prison account until the \$350.00 fee is paid. Each payment shall reference the above-captioned docket number.
5. The Clerk of Court shall send a copy of this Order to the Superintendent/Warden of the institution wherein Plaintiff is presently confined, SCI-Mahanoy.
6. The complaint, Doc. 1, is deemed filed.
7. Plaintiff's complaint, Doc. 1, is dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and 28 U.S.C. § 1915A.
8. Within **twenty-one (21) days** from the date of this Order, Plaintiff may file an amended complaint related to the alleged destruction or interference of his receipt of non-legal mail in April 2021.
9. Plaintiff must properly identify all defendants and provide a mailing address for them so they may be properly served. Failure to provide the necessary service information may result in the court dismissing all claims against the unserved defendant. *See* Federal Rule of Civil Procedure 4(m).
10. The amended complaint shall bear the same case number presently assigned to this action, shall be labelled as the "Amended Complaint," and shall be direct, concise, and shall stand alone without any reference to any document filed in this matter. *See* Fed. R. Civ. P. 8(d).

11. Should Plaintiff fail to file a timely amended complaint, the court will dismiss Plaintiff's complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and direct the Clerk of Court to close the case.
12. The Clerk of Court shall forward to Plaintiff two (2) copies of this Court's prisoner civil-rights complaint form which Plaintiff shall use in preparing his amended complaint.
13. Plaintiff is reminded of his affirmative obligation to immediately notify the court in writing of any change of address. *See* Doc. 2.

s/Jennifer P. Wilson
JENNIFER P. WILSON
United States District Court Judge
Middle District of Pennsylvania